

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/085/2025

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on June 25, 2025 at 7 p.m.

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|------------------|--|---|
| S. Shafik | Sukhdeep Bhangu Linedezine Studio Ltd. 15 Camston Rd Brampton ON, L6P 4K1 | CON 4 SDS PT LOT 19 RP 20R18152 PART 1 416 Lakeshore Rd W Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL1-0, Residential

WARD: 2

DISTRICT: West

APPLICATION:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of an uncovered platform (deck) in the rear yard proposing the following variance to Zoning By-law 2014-014:

| No. | Current | Proposed |
|-----|---|---|
| 1 | <i>Table 4.3 (Row 16)</i> Uncovered platforms having a floor height equal to or greater than 0.6 metres measured from grade shall encroach a maximum of 1.5 metres into the minimum rear yard. | To increase the maximum encroachment to 9.90 metres into the minimum rear yard. |

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

(Note: Planning & Development includes a consolidated comment from the relevant district teams including Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/085/2025 - 416 Lakeshore Road West (West District) (OP Designation: Low Density Residential)

The applicant is proposing to increase the maximum encroachment into the minimum rear yard.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff's comments concerning the application of the four tests to this minor variance request are as follows:

Site Area and Context

The subject lands are located within a neighbourhood that consists predominantly, two-storey dwellings designed in a range of architectural forms with one and two-car garages.

Rear yards appear to be utilized in a similar manner throughout the neighbourhood as the subject land, with pools, decks, gazebos, patios and landscaped areas. The following images outline the existing landscaping and grading of the rear yard.



Figure 1: North view of existing condition of upper level of the backyard



Figure 2- View of existing condition of lower level of the backyard



Figure 3- Side view of existing condition of upper level of the backyard



Figure 4- Side view of existing condition of lower level of the backyard

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject land is designated Low Density Residential by the Livable Oakville Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. In particular the following section:

Policy 11.1.9 h) states:

h) "Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing."

The rear yard is screened with mature trees and landscaping, which provides a natural buffer to maintain privacy. Additionally, the proposed deck will be located at the rear of the house and will not project beyond the building's exterior side walls. Based on staff's review, the proposal maintains the general intent and purpose of the Livable Oakville Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 - Rear yard encroachment increase from 1.5 m to 9.90 m (No Objection)

The intent of the Zoning By-law provision regulating the rear yard encroachment for an uncovered platform (i.e. deck) is to prevent overlook and privacy impacts on abutting properties. The backyard is two levels and features uneven grading, the proposed deck will be built at the same height as the ground level at the back of the house and will be supported by posts to the lower level of the backyard. The proposed setback does not result in unacceptable adverse effects on abutting properties. Staff are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

It is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law as it results in an addition that is in keeping with the character of the neighbourhood. Further, the variance is minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties.

Recommendation:

Staff do not object to the proposed development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the dwelling be constructed in general accordance with the submitted site plan May 20/ 2025 and elevation drawings dated May 14/ 2025; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns.

Metrolinx: No comments.

Oakville Hydro: No comments.

Halton Region:

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase to the maximum encroachment to 9.90 metres into the minimum rear yard, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing an uncovered platform (deck) in the rear yard on the Subject Property.

Union Gas: No comments received.

Letter(s)/Emails in support: 0

Letter(s)/Emails in opposition: 0

Note: The following standard comments apply to all applications. Any additional application specific comments are as shown below.

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments/authorities (e.g. Engineering and Construction, Building, Conservation Halton etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.
- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers provisions of the Funeral, Burial and Cremation Services Act—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.
- Unless otherwise states, the Planning basis for the conditions referenced herein are as follows:
 - Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the building permit and construction processes.
 - A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-

changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.

Requested conditions from circulated agencies:

1. That the dwelling be constructed in general accordance with the submitted site plan May 20/ 2025 and elevation drawings dated May 14/ 2025; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment